



House of Representatives

General Assembly

File No. 591

February Session, 2016

Substitute House Bill No. 5344

House of Representatives, April 13, 2016

The Committee on Judiciary reported through REP. TONG of the 147th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING SUPPORT FOR ANIMALS THAT ARE NEGLECTED OR TREATED CRUELLY.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2016*) (a) In any prosecution
2 under section 53-247 of the general statutes, or in any proceeding
3 pursuant to section 22-329a of the general statutes or in the criminal
4 session of the Superior Court regarding the welfare or custody of an
5 animal, the court may order, upon its own initiative or upon request of
6 a party or counsel for a party, that a separate advocate be appointed to
7 represent the interests of the animal or the interests of justice. If a court
8 orders that an advocate be appointed to represent the interests of the
9 animal or the interests of justice, the court shall appoint such advocate
10 from a list provided to the court by the Commissioner of Agriculture
11 pursuant to subsection (c) of this section. A decision by the court
12 denying a request to appoint a separate advocate to represent the
13 interests of an animal or the interests of justice shall not be subject to
14 appeal.

15 (b) The advocate shall: (1) Monitor the case; (2) consult any
16 individual with information that could aid the judge or fact finder and
17 review records relating to the condition of the animal and the
18 defendant's actions, including, but not limited to, records from animal
19 control officers, veterinarians and police officers; (3) attend hearings;
20 and (4) present information or recommendations to the court pertinent
21 to determinations that relate to the interests of the animal or the
22 interests of justice, provided such information and recommendations
23 shall be based solely upon the duties undertaken pursuant to this
24 subsection.

25 (c) The Department of Agriculture shall maintain a list of attorneys
26 with knowledge of animal issues and the legal system and a list of law
27 schools that have students, or anticipate having students, with an
28 interest in animal issues and the legal system. Such attorneys and law
29 students shall be eligible to serve on a voluntary basis as advocates
30 under this section. The provisions of sections 3-14 to 3-21, inclusive, of
31 the Connecticut Practice Book shall govern a law student's
32 participation as an advocate under this section.

This act shall take effect as follows and shall amend the following sections:		
---	--	--

Section 1	October 1, 2016	New section
-----------	-----------------	-------------

JUD*Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill allows judges to appoint a volunteer to advocate for the best interests of an animal in a civil or criminal proceeding relating to animal cruelty or fighting and does not result in a fiscal impact.

The bill also requires the Department of Agriculture (DoAg) to maintain a list of attorneys with expertise in animal issues and the legal system, and law schools that have or anticipate having students with interest in animal issues. This requirement does not result in a fiscal impact to DoAg.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sHB 5344*****AN ACT CONCERNING SUPPORT FOR ANIMALS THAT ARE
NEGLECTED OR TREATED CRUELLY.*****SUMMARY:**

This bill allows judges to appoint a volunteer, from a list of attorneys and law students provided by the agriculture commissioner, to advocate for an animal's best interests or the interests of justice in criminal proceedings relating to (1) animal cruelty or fighting, (2) a cruelly treated or neglected animal's seizure by an animal control officer, or (3) an animal's welfare or custody. Under the bill, the court may order, or any party or party's counsel may request, an advocate. The bill prohibits the appeal of a decision denying a request for an advocate.

Under the bill, the agriculture commissioner must maintain a list of (1) attorneys with knowledge of animal issues and the legal system and (2) law schools that have or anticipate having students with interest in animal issues and the legal system. The bill authorizes these attorneys and law students to serve as advocates and requires law students doing so to be governed by the Connecticut Practice Book's legal intern provisions.

The bill requires animal advocates to do the following:

1. monitor the case;
2. consult individuals with information that could aid the judge or fact finder;
3. review records relating to the animal's condition and the defendant's actions, including, but not limited to, animal control officers', veterinarians', and police officers' records;

4. attend hearings; and
5. present to the court information or recommendations related to the animal's interest or the interests of justice, provided such information and recommendations are based solely upon the advocate's duties pursuant to the bill.

EFFECTIVE DATE: October 1, 2016

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 34 Nay 9 (03/28/2016)